

REMARKS

A Petition (and Fee) for a One-Month Extension of Time is being filed herewith.

Claims 1, 3, 5, 7-11, and 18 are presently being examined in the application. New claim 18 has been added.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant submits that the P-GaN layer (e.g., as shown exemplarily at reference numeral 6 in the non-limiting embodiment of Fig. 1) according to the invention is not graded, and is disposed on the light-emitting layer (e.g., as shown exemplarily at reference numeral 5 in the non-limiting embodiment of claim 1).

Applicant submits that Duggan does not disclose or suggest such a feature. The p-GaN layer disclosed in Duggan is disposed on the p-AlGaIn layer.

The other prior art of record does not make up for the deficiencies of Duggan.

Early, favorable prosecution on the merits is respectfully requested.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's
Deposit Account No. 50-0481.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean M. McGinn', written over the typed name.

Sean M. McGinn, Esq.

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Date:

5/21/04

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